

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:08-00067

ARTHUR RAY ELKINS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On June 27, 2008, the United States of America appeared by Gerald M. Titus, Assistant United States Attorney, and the defendant, Arthur Ray Elkins, appeared in person and by his counsel, Christian M. Capece, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Douglas W. Smith, the defendant having commenced a three-year term of supervised release in this action on December 26, 2007, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on January 15, 2004.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant committed the state and local offenses of providing false information regarding his identity and driving on a suspended or revoked drivers license for which he was arrested on March 9 and 14, 2008; (2) that the defendant committed the state and local offenses of transporting and receiving stolen property and driving on a suspended or revoked license for which he was arrested on April 6, 2008; (3) that the defendant committed the state offenses of forgery, uttering and false pretenses for which he has been charged in Kanawha County Magistrate Court; (4) that the defendant unlawfully possessed crack cocaine on April 7, 2008, inasmuch as he purchased crack cocaine for his girlfriend and placed it in his mouth to avoid detection; and (5) that the defendant committed the federal crime of stealing and converting to his own use without authorization the amount of \$375 inasmuch as on April 26 and 28, 2008, respectively, he converted money orders in the amounts of \$165 and \$210 to his own use without authority and without paying for them; all as admitted by the defendant on the record

of the hearing that the government possesses sufficient evidence to prove the offenses by a preponderance of the evidence and as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

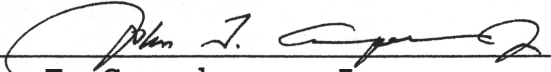
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWELVE MONTHS LESS ONE DAY, to be followed by a term of twenty-

four months less one day of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special conditions that (1) he spend a period of six months at Transitions, Inc. for the purpose of receiving treatment for alcoholism, (2) make himself available for such further treatment for alcoholism as directed by the probation officer and (3) pay the \$18,214.60 restitution balance as previously ordered by the court.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: July 2, 2008


John T. Copenhaver, Jr.
United States District Judge